

Remarks

This amendment is in response to the Office Action dated February 10, 2009. Claims 1-13 and 15-16 have been amended and claims 19-20 have been added. Reconsideration of the present application in view of the present amendment is respectfully requested.

Claims 1, 6-11, and 17-18 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 3,089,145 to Kiefer, hereinafter "*Kiefer*." Reconsideration is requested in view of the following remarks.

Claim 1, as amended, recites a support system for a pair of spectacles comprising an item of headwear to be supported directly on a wearer's head and support members connected to a projecting portion of the headwear, wherein the support members are configured to reduce a force directly exerted on the wearer by the spectacles.

Kiefer teaches the exact opposite of the invention of amended claim 1. He teaches a pair of spectacles that support a sun hat above the wearer's head (Fig. 1), thereby increasing the force exerted on the wearer by the spectacles instead of reducing it as in the invention of claim 1. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by *Kiefer* and requests the withdrawal of the rejection under 35 U.S.C. 102(b) to claim 1. Claims 6-11 and 17-18 are ultimately dependent from claim 1 and are therefore patentable for at least the same reasons as above, as well as for their own individual reasons.

Claim 6, as amended, recites that the projecting portion includes a number of holes greater than the number of support members through which the support members can pass so as to provide for different position for the support members. *Kiefer* does not teach a number of holes greater than the number of rods and therefore does not provide for different positions for the rods.

Claim 8, as amended, recites that while wearing the headwear, the ends of the support members can be folded against the projecting portion when not in use. This would not

be possible in *Kiefer*, since the headwear is supported by the rods. If the rods were not in use then there would be nothing supporting the sun hat and it would not be wearable unless attached directly to the head, which is the exact opposite of what is taught in *Kiefer*.

Claim 11 recites that the free end of the support members are formed as a hook for connection to the temple arms of the spectacles. This is not taught by *Kiefer*, and in fact would not be possible because the spectacles are supporting the weight of the sun hat in *Kiefer*. If the clips (10) were formed as hooks then they would not be secured to the spectacles to support the sun hat. Hooks can only support an object when the fixed element from which it extends is above what it is supporting.

Accordingly, Applicant submits that claims 6-11 and 17-18 are not anticipated by *Kiefer* and request the withdrawal of the rejection under 35 U.S.C. 102(b) to said claims.

Claims 2-5 and 12-15, which depend ultimately from claim 1, have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kiefer*. As discussed above, *Kiefer* does not teach every element of claim 1, therefore claims 2-5 and 12-15 are patentable for at least the same reasons as above, as well as for their own individual reasons.

Claim 12 recites the support system of claim 11, wherein at least the end portion of the support members are flexible so as to be formable into the hook. As discussed above, *Kiefer* is not compatible with a hook at the end of the support member because it could not support the weight of the sun hat.

Claim 15, as amended, recites the support system of claim 13, wherein magnetically attractive elements are provided in the projecting portion such that while wearing the headwear the support members can be held out of the way when not in use. Similar to claim 8 above, the invention of *Kiefer* becomes unwearable when the support members are not in use, thus it would not be obvious to provide elements that allow the support members to be held out of the way.

Accordingly, Applicant submits that claims 2-5 and 12-15 are patentable over *Kiefer* and request the withdrawal of the rejection under 35 U.S.C. 103(a) to said claims.

Claim 16 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kiefer* in view of US Pat. No. 4,768,231 to Schrack, hereinafter "*Schrack*."

Claim 16, as amended, recites that catch elements are provided in the projecting portion such that while wearing the headwear the support members can be held out of the way when not in use. As discussed above with respect to claims 8 and 15, the headwear of *Kiefer* is not wearable when the support members are not in use. In addition, the invention of *Schrack* does not teach that the catch members are provided in the projecting portion, as recited in claim 16, but are located on the side of the visor instead. *Schrack* also fails to rectify the deficiencies of *Kiefer* in teaching the invention of claim 1, from which claim 16 depends.

Accordingly, Applicant submits that claim 16 is patentable over *Kiefer* in view of *Schrack* and requests the withdrawal of the rejection under 35 U.S.C. 103(a) to said claim.

New claims 19 and 20 have been added and recite that the support members are formed as rods and strings, respectively. Claims 19 and 20 are dependent on claim 1 and are therefore patentable for at least the same reasons as above. Additionally, *Kiefer* fails to teach the use of strings, as in claim 20, and would not be functional with strings instead of rods because strings are not able to support a compressive load, such as the one imparted by the sun hat.

Reconsideration of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

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Respectfully submitted,
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